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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,667	09/20/2000	Takaharu Kitada	SON-1905	5559

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EXAMINER	
NGUYEN, KIMBERLY D	
ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,667	Applicant(s) KITADA, TAKAHARU
	Examiner Kimberly D. Nguyen	Art Unit 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2002*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4)☐ Interview Summary (PTO-413) Paper No(s). _____
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 30 October 2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 6, 10, 15-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zembitski (US 6,193,160; hereinafter "Zembitski") in view of Reymond (US 5,898,370; hereinafter "Reymond").

Zembitski teaches an information processing system (fig. 7) comprising: an information providing medium 60B that stores information in an electromagnetic or optical manner, the information providing medium being attached to an entity 6B in order to provide information associated with the entity 6B (fig. 4; col. 10, lines 61-67); a hand-held terminal device 5 having an information read function for reading the information from the information providing medium in an electromagnetic or optical manner and recording the information therein (fig. 3b; col. 7, lines 40-59); and an information processing unit CPU for retrieving the information recorded in the hand held terminal device and processing the information therein (fig. 7; col. 13, line 64 through col. 14, line 15).

Zembitski is silent with respect to the information-providing-medium/label, which is inconspicuously attached to the entity.

Reymond teaches a radio tag wherein the tag is inconspicuously attached to the entity (abstract; col. 2, lines 20-26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known radio tag which is inconspicuously attached to an entity as taught by Reymond to the teachings of Zembitski in order to prevent an unauthorized manipulation and/or tempering of the radio tag by the vendee. Thus, the modification would have provided Zembitski with an enhance security means for preventing any theft and/or removing the entity without making the payment, etc.

4. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zembitski as modified by Reymond as applied to claim 1 above, and further in view of Storch et al. (US 5,367,148; hereinafter "Storch"). The teachings of Zembitski as modified by Reymond have been discussed above.

Zembitski/Reymond teaches an information processing system with an information providing medium, a hand held terminal and an information processing unit.

Zembitski/Reymond is silent with the information processing unit, which is adopted to discriminate whether the information read from the hand held terminal device is genuineness or counterfeit.

Storch teaches counterfeit/genuineness objects, which can be detected by checking associated ID numbers, which include one or more appended fields in a database containing the correct authorized ID numbers (see figs. 1-4; col. 10, line 4 through col. 11, line 43; and col. 11, 62 through col. 12, line 10).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known counterfeit/genuineness detection system as taught by Storch to the teachings of Zembitski/Reymond in order to insure counterfeit product is detected and to further protect a manufacturer from losing sale on their original/genuineness product.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zembitski as modified by Reymond as applied to claim 1 above, and further in views of Gallagher, III et al. (US 5,959,531; hereinafter "Gallagher") and Watada (US 6,012,641; hereinafter "Watada"). The teachings of Zembitski as modified by Reymond have been discussed above.

Zembitski teaches an information processing system with an information providing medium, a hand held terminal and an information processing unit.

Zembitski/Reymond is silent with respect to the information providing medium, which comprises a film shaped substrate, an IC chip provided at the substrate in order to store information associated with the entity, and an antenna body connected to the IC chip.

Gallagher teaches a radio frequency identification (RFID) tag system, wherein the intelligent tag comprises an IC chip and an antenna body connected to the IC chip (see fig. 4; col. 6, lines 12-52).

Watada teaches a plastic card with a laminate of a plurality of sheets of a stretched polyester film substrate, which the desired shape of the card is not particularly limited (see fig. 4a-4b; col. 4, line 53 through col. 5, line 4).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known intelligent tag system as

taught by Gallagher, and a plastic card with laminate of polyester film substrate as taught by Watada to the teaching of Zembitski/Reymond in order to incorporate the mechanical strength, dimensional stability, heat resistance and intellectual functionality (IC chip) to the information providing medium.

6. Claims 5, 7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zembitski as modified by Reymond as applied to claims 1 and 10 above, and further in view of Walsh et al. (US 6,089,456; hereinafter "Walsh"). The teachings of Zembitski as modified by Reymond have been discussed above.

Re claims 5 and 11: Zembitski teaches an information processing system, where the hand held terminal device comprises at least an antenna body 54 for being coupled with the information providing medium in an electromagnetic manner, information read means for reading information associated with the entity from the antenna body (see fig. 3b; col. 9, lines 52-59).

Zembitski/Reymond is silent with respect to the hand held terminal device with a non-volatile storage for storing the information read from the information read means.

Walsh teaches a hand held device, which has a memory storage PROM, where PROM is served as non-volatile storage memory/means (see col. 3, lines 37-55).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known hand held device with a non-volatile memory storage (e.g., PROM) and an information read function as taught by Walsh to the teaching of Zembitski/Reymond in order to improve the information holding/processing functionality of the hand held device.

Re claims 7 and 12-14: Zembitski/Reymond is silent with respect to the hand held cellular phone having its information read function.

Walsh teaches a hand held cellular phone system 120, which comprises an information read function (fig. 8; see col. 1, line 65 through col. 2, line 25; col. 3, lines 37-55; and col. 29, lines 6-26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known hand held cellular phone device with an information read function as taught by Walsh to the teaching of Zembitski/Reymond in order to provide a versatile and compact cellular-phone/label-reader system, which provide greater convenience to the users for carrying a single device rather than a plurality of devices.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Reymond.

Walsh teaches a hand held cellular phone 120 for reading information from an information providing medium 614 attached to an entity, the hand held cellular phone comprising: a telephone function; information read means for reading information associated with the entity from the information providing medium 614; and non-volatile storage means for storing information read from the information read means (fig. 8; col. 2, lines 43-58; col. 3, lines 37-55; col. 5, lines 13-49).

Walsh is silent with respect to the information providing medium, which is inconspicuously attached to the entity.

Reymond teaches a radio tag wherein the tag is inconspicuously attached to the entity (abstract; col. 2, lines 20-26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known information providing medium/label being inconspicuously attached to the object as taught by Reymond to the hand held cellular phone device with an information read function as taught by Walsh in order to prevent an unauthorized manipulation and/or tempering of the radio tag by the vendee. Thus, the modification would have provided Zembitski with an enhance security means for preventing any theft and/or removing the entity without making the payment, etc.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zembitski in view of Reymond and Storch.

Zembitski teaches an information processing system (fig. 7) comprising: an information providing medium 60B that stores information in an electromagnetic or optical manner; a hand held terminal device 5 having an information read function for reading the information from the information providing medium in an electromagnetic or optical manner and recording the information therein (fig. 3b; col. 7, lines 40-59); and an information processing unit for retrieving the information recorded in the hand held terminal device (fig. 7; col. 13, line 64 through col. 14, line 15).

Zembitski is silent with respect to the information providing medium being attached to an entity in order to provide information identifying the entity as genuine; and wherein the information providing medium is inconspicuously attached to the entity.

Storch teaches counterfeit/genuineness object, which can be detected by checking associated ID numbers from the label, which is attached to the object (see figs. 1-4; col. 10, line 4 through col. 11, line 43; and col. 11, 62 through col. 12, line 10).

Reymond teaches a radio tag wherein the tag is inconspicuously attached to the entity (abstract; col. 2, lines 20-26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known radio tag which is inconspicuously attached to an entity as taught by Reymond and the counterfeit/genuineness detection system as taught by Storch to the teachings of Zembitski in order to prevent an unauthorized manipulation and/or tempering of the radio tag by the vendee. Thus, the modification would have provided Zembitski with an enhance security means for preventing any theft and/or removing the entity without making the payment, etc.

Response to Amendment

Applicant's arguments filed on 30 October 2002 have been entered, but are mood in view of the new grounds of rejection.

Re claims 1-20: The new ground of rejection further comprises a reference of Reymond to the teaching of a tag/label which is inconspicuously attached to an object/entity.

When interpreting the claimed invention as broadly as possible, the combination of the teachings of Zembitski, Reymond, Storch and Walsh meet the claimed limitations.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mine (US 2002/0006786 A1) teaches a digital information input system includes an electronic information terminal device for inputting a code information regarding a search targeted article or the like. Kleinschmidt et al. (US 6,085,112) teaches a communication device, which has a wide variety of components, such as speech input and output devices, image display and a computer. Knowles (US 6,345,764 B1) teaches a hand-held www access terminal for accessing html encoded documents located on the www. Bowers et al. (US 6,025,780) teaches an electronic security system with a set of predefined RFID tags. Eberhardt (US 5,382,784) teaches a hand-held dual technology identification tag reading head.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN
December 6, 2002

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